

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LIFE TECHNOLOGIES CORPORATION,)	
and)	
APPLIED BIOSYSTEMS, LLC,)	
)	
<i>Plaintiffs,</i>)	CIVIL ACTION NO. 2:09-cv-00283
)	
v.)	
)	DEMAND FOR JURY TRIAL
BIOSEARCH TECHNOLOGIES, INC.,)	
BIO-SYNTHESIS, INC.,)	
EUROFINS MWG OPERON INC., and)	
THE MIDLAND CERTIFIED REAGENT)	
COMPANY, INC.)	
)	
<i>Defendants.</i>		

PLAINTIFFS' RESPONSE TO "OPPOSED" MOTION FOR LEAVE [DKT. NO. 164]

Plaintiffs Life Technologies Corporation and Applied Biosystems, LLC (collectively, "Life Technologies") file this response to Defendants Biosearch Technologies, Inc. and Eurofins MWG Operon, Inc.'s (collectively, Defendants') "Opposed" Motion for Leave to File Supplemental Brief In Support of Defendants Biosearch Technologies, Inc. and Eurofins MWG Operon, Inc.'s Objections to and Motion to Reconsider the September 30, 2010 Order Denying Defendants' Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (Dkt. No. 164) (the "Motion for Leave") and state as follows:

Defendants asked Life Technologies if it would oppose a Motion for Leave relating to alleged new evidence for the first time on March 9, 2011. When Life Technologies asked Defendants to identify the alleged new evidence, Defendants refused, and indicated only that the information in question was information disclosed by Bio-Synthesis, Inc. Defendants then filed its Motion for Leave as an opposed motion later that same day. Life Technologies files this

response now that it has learned the identity of the underlying material through Defendants' filing.

Life Technologies does not oppose Defendants' Motion for Leave to raise the identified materials with the Court. However, Life Technologies believes that the information Defendants raise is not relevant to the Motion to Transfer. Life Technologies thus reserves its rights to respond to the Defendants' supplemental brief should the Court grant Defendants' Motion for Leave.

Dated: March 10, 2011

Respectfully submitted,

/s/ Leisa Talbert Peschel

David K. Wooten (Texas Bar 24033477)
Leisa Talbert Peschel (Texas Bar 24060414)
VINSON & ELKINS, LLP
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760
Tel: (713) 758-2095
Fax: (713) 615-5936
dwooten@velaw.com
lpeschel@velaw.com

Collin Maloney (Texas Bar 00794219)
Otis Carroll (Texas Bar 03895700)
IRELAND, CARROLL & KELLEY, PC
6101 S. Broadway, Suite 500
Tyler, TX 75703
Tel: (903) 561-1600
Fax: (903) 581-1071
Fedserv@icklawn.com

William B. Dawson (Texas Bar 05606300)
GIBSON DUNN & CRUTCHER
2100 McKinney Ave
Suite 100
Dallas, TX 75201-6912
Tel: (214) 698-3132
Fax: (214) 571-2900
wdawson@gibsondunn.com

Tracey B. Davies (Texas Bar 24001858)
Stephen M. Hash (Texas Bar 24012800)
VINSON & ELKINS, LLP
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, TX 78746-7568
Tel: (512) 542-8400
Fax: (512) 542-8612
tdavies@velaw.com
shash@velaw.com

Margaret J. Sampson (Texas Bar 24027953)
VINSON & ELKINS, LLP
525 University Avenue
Suite 410
Palo Alto, CA 94301-1918
Tel: (650) 617-8400
Fax: (650) 618-1970
msampson@velaw.com

Kurtis MacFerrin (admitted *pro hac vice*)
LIFE TECHNOLOGIES CORPORATION
850 Lincoln Centre Drive
Foster City, CA 94404
Tel: (650) 554-3410
Fax: (650) 638-6677
kurtis.macferrin@lifetech.com

Cora Schmid (California Bar No. 237267)
LIFE TECHNOLOGIES CORPORATION
850 Lincoln Centre Drive
Foster City, CA 94404
Tel: (650) 638-6245
Fax: (650) 554-2885
cora.schmid@lifetech.com

*Attorneys for Plaintiffs Life Technologies
Corporation and Applied Biosystems, LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 10th day of March, 2011.

/s/ Leisa Talbert Peschel